

## IN THE SUPREME COURT OF FLORIDA

INQUIRY CONCERNING  
A JUDGE NO. 02-487

Supreme Court Case  
No.: SC03-1171

### **RESPONDENT’S MOTION TO EXCEED PAGE LIMIT**

The Honorable Gregory P. Holder (“Judge Holder”), by counsel, moves the Hearing Panel of the Florida Judicial Qualifications Commission (the “Panel”) for an Order allowing Judge Holder to exceed the ten page limit for briefs set forth in the Fourth Order Scheduling Hearing Before Hearing Panel. The grounds upon which this Motion is based are set forth below.

1. This proceeding was commenced by the Florida Judicial Qualifications Commission (the “JQC”) to determine whether Judge Holder plagiarized an Air War College paper submitted in 1998.

2. To support the JQC’s allegations of plagiarism, the JQC Special Counsel intends to offer into evidence copies of the Hoard Paper and the purported Holder paper (collectively the “Papers”), which were provided to the JQC by the United States Department of Justice, the Complainant in this proceeding.

3. However, as set forth in Respondent’s Motion to Dismiss the Pending Charges or in Limine to Exclude the Purported Holder Paper and Hoard Paper Based on Evidentiary Improprieties and Incorporated Memorandum of Law (the “Motion”), the record evidence establishes that the DOJ allowed its official file

containing the Papers to be tampered with, and as a result has destroyed or lost evidence critical to Judge Holder's defense. In addition, the Complainant has severely restricted the scope of the testimony of its employees, effectively precluding Judge Holder from inquiring about the destroyed or lost evidence.

4. Accordingly, the Motion presents complex factual and legal issues relating to evidence tampering and withholding of information that cannot be effectively presented in ten pages. Moreover, because these issues implicate Judge Holder's due process rights, it is imperative that he be given the opportunity to fully develop the facts and arguments on these issues.

5. Further, the granting of this Motion will neither unfairly prejudice the JQC Special Counsel nor delay these proceedings.

6. Therefore, Judge Holder respectfully requests the Panel's permission to exceed the ten page limit by an additional ten pages.

#### CERTIFICATION

The undersigned counsel certifies that Judge Holder's counsel has conferred with Charles P. Pillans, JQC Special Counsel, who has no position with respect to this Motion.

Dated: March 18, 2005

*(Attorney Signature Appears on Following Page)*

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I certify that on March 18, 2005, a copy of the foregoing has been served by Federal Express to Ms. Brooke Kennerly, Hearing Panel Executive Director, 1110 Thomasville Road, Tallahassee, FL 32303; Honorable John P. Kuder, Chairman of the Hearing Panel, Judicial Building, 190 Governmental Center, Pensacola, FL 32501; John Beranek, Counsel to the Hearing Panel, Ausley & McMullen, P.O. Box 391, Tallahassee, Florida 32302; Thomas C. MacDonald, Jr., JQC General Counsel, 1904 Holly Lane, Tampa, FL 33629; and by Facsimile and Federal Express to Charles P. Pillans, III, Esq., JQC Special Counsel, Bedell Ditmar DeVault Pillans & Coxe, P.A., The Bedell Building, 101 East Adams Street, Jacksonville, FL 32202.

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Attorney